MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016 / 2017 SESSION

UIL2712 – ISLAMIC LAW I

(All Sections / Groups)

11 OCTOBER 2016
Reading Time: 09:00 a.m. – 09:15 a.m.
(15 Minutes)

Answering Time: 09:15 a.m. – 12:15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes only in their question paper. Students then have the remaining **three hours** in which to answer the questions.

2. This question paper consists of 3 pages with 4 questions only.

3. Attempt **ALL** questions in **PART A** which is **COMPULSORY**, and any **TWO** questions in **PART B**. The distribution of the marks for each question is given.

4. Students are allowed to bring into the Examination Hall **CLEAN** and **ORIGINAL** copies of Al Qur'an Translation. Students are not allowed to lend or borrow Al Qur'an Translation during the Examination.

5. Write all your answers in the Answer Booklet provided.

PART A: Compulsory [40 marks]

Instruction: Answer **ALL** questions.

QUESTION 1

In his search for a solution to a particular problem, the jurist must resort to the *Sunnah* only when he fails to find any guidance in the *Qur'an*. Should there be a clear text in *the Qur'an*, it must be followed and be given priority over any ruling of the *Sunnah*. *Ijma'* ensures the correct interpretation of the Qur'an, the faithful understanding and transmission of the *Sunnah*, and the legitimate use of *ijtihad*. It is only in matters which are not covered by the Quran, the *Sunnah* and *ijma`* that the law may be deduced from any of these sources through the application of *qiyas* (analogical reasoning).

(a) Describe the technical definitions of all the sources of Islamic law as mentioned in the above statement.

(10 marks)

(b) Discuss how the conflict between the *Quran*, the *Sunnah* and *qiyas* can be reconciled. Support your answer with authorities and examples.

(30 marks)

[Total: 40 marks]

Continued...

PART B: Optional [60 marks]

Instruction: Attempt **TWO** questions only.

QUESTION 2

i. *Maslahah al Mursalah* (Considerations of public interest) comes in handy as a possible source as a leverage tool to be used by Muslims in contemporary fields such as economics, science, governance etc., to synthesize laws and rules that benefit us and that are in consonance with the principles of the Islamic law. However, the scholars have set a framework within which legislation based on *Maslahah Mursalah* can be validated in order to ensure that this leverage or concessionary means of legislation is not abused and used for arbitrary desires or personal interest.

Elaborate the above statement with the authorities to validate the usage of *Maslahah Mursalah* as a source of Islamic law and its condition.

(15 marks)

ii. Discuss the types of *Maslahah Mursalah* with examples.

(15 marks)

[Total: 30 marks]

QUESTION 3

"...If Muslims find no direct guidance from the Quran and the Prophet"s Sunna in facing a lot of new questions in their daily life, qualified jurists are given authority to use their intellectual reasoning to infer the specific rulings from what has been generally laid down by the Quran and the Sunna. The effort of the jurist is known as ijtihad..."

An excerpt from International Journal of Social Science & Human Behavior Study – IJSSHBS, Volume 1 : Issue 3 [ISSN 2374 –1627], Saadan Man, 30 September 2014

i. Based on the above excerpt, examine the appropriate procedure to conduct *Ijtihad.*
(15 marks)

ii. Examine the criteria of a scholar to formulate *Ijtihad.*

(15 marks)

[Total: 30 marks]

Continued...

QUESTION 4

i. *"Let him who has abundance spend of his abundance, and he whose provision is measured, let him spend of that which Allāh has given him. Allāh asks nothing of any soul save that which He has given it."*

(Al Quran, 65:7)

The majority of the scholars commented that the Islamic law has not determined the quantity of maintenance allowance. The quantity is determined according to the usage (of the area) and decided according to the financial position of the spender (the husband).

Based on the above, identify and describe the appropriate source of Islamic law and its' types.

(15 marks)

ii. Discuss the views of scholars who validate the application of *Istishab* (Presumption of Continuity) as a source of Islamic law and its categories.

(15 marks)

[Total: 30 marks]

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